

REMARKS

By the present amendment, the drawings have been amended to include the legend "Prior Art" with reference to Figures 11 and 11A. In addition, claims 1, 3, 4, 7 and 11 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. In particular, independent claim 1 has been amended to incorporate the subject matter of claim 2 therein and dependent claim 2 has been cancelled. Entry of these amendments is respectfully requested.

In the Office Action, the drawings were objected to as not including the legend "Prior Art" with reference to Figures 11 and 11A of the drawings. As mentioned above, the drawings have been amended to include the legend "Prior Art" with reference to Figures 11 and 11A. Withdrawal of the objection is requested.

Claims 4 and 7-11 were objected to under 37 CFR 1.75(c) as failing to further limit the subject matter of the prior claim. In particular, the following was noted :

- a) Claim 4 did not actually require the gas diffusion layer as recited in claim 1.
- b) Claim 7 was directed to a different embodiment from that set forth in the claim from which it depends.

In response, claims 4 and 7 have been amended to obviate these objections. Withdrawal is therefore requested.

Claims 3 and 11 were rejected under the second paragraph of 35 USC § 112 as being indefinite for the noted reasons. In response, these claims have been amended to address the noted reasons. It is submitted that the claims are now in full conformance with the provisions of the cited statute. Accordingly, withdrawal of the rejection under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Claims 1-4 were rejected under 35 USC § 102(b) as being anticipated by the patent to Taniguchi et al. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

As mentioned above, independent claim 1 has been amended to incorporate the subject matter of claim 2 therein. It is submitted that the cited patent to Taniguchi et al does not teach or suggest the fuel cell as now defined by amended claim 1.

Before discussing the rejection in detail, a brief review of the presently claimed invention may be quite instructive. An important feature of the fuel cell as presently claimed is that "in the vicinity of an inlet for the oxidant, water retentivity is higher in the parts facing the oxidant channels than in the parts facing the ribs." As is set forth on page 17, line 16 to page 18, lines 8 of the subject specification, air flowing in the oxidant channels generally is more dry at the air inlet side than at the air outlet side. Therefore, water is most likely to evaporate at the region where the gas diffusion layer faces the

oxidant channels. However, if the fuel cell has the structural characteristics as now defined by independent claim 1, the entire cell can maintain more uniform wettability.

In distinct contrast to the above, the cited patent to Taniguchi et al discloses a fuel cell where "water retentivity is high at the region where the gas diffusion layer faces the oxidant channels." Thus, the cited patent fails to teach a fuel cell of the type as set forth in the amended claims which includes the feature that, in a vicinity of an inlet for the oxidant, water retentivity is higher in parts facing the oxidant channels than in parts facing the ribs. In addition, the Taniguchi et al patent does not teach or suggest a structure for a fuel cell of the type as set forth in the amended claims which includes the feature that water retentivity is higher in parts facing the oxidant channels than in parts facing the ribs. Therefore, it is submitted that the subject claims as amended are not taught or suggested by the Taniguchi et al patent.

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claims 1 and 3-4 as amended over the cited Taniguchi et al patent are respectfully requested.

Applicants acknowledge with appreciation the indication that claims 5, 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Further, it is noted that claims 7-11 have not been rejected

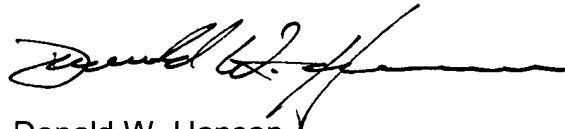
over the art of record.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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